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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,937	07/12/2001	Matthew Edward Aubertine	AUS920000329US1/1753P	1980
7590	10/05/2004			EXAMINER
SAWYER LAW GROUP P.O. Box 51418 Palo Alto, CA 94303			FOWLKES, ANDRE R	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/903,937	AUBERTINE, MATTHEW EDWARD
	Examiner Andre R. Fowlkes	Art Unit 2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 October 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) 10,12 and 15 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-18 are pending.

### ***Claim Objections***

2. Claims 10, 12 and 15 are objected to because of the following informalities:
  - "The system of claim 10", should be –The system of claim 7– in claim 10, line 1.
  - "The method of claim 5", should be –The system of claim 11– in claim 12, line 1.
  - "The computer readable medium of claim 131", should be –The computer readable medium of claim 13– in claim 15, line 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gross, et al., (Gross), "Parallel Compilation for a Parallel Machine", ACM, 0-8791-306-X.

As per claim 1, Gross discloses a **method for optimizing the use of a plurality of processors when compiling a program in a computer system**, (p. 91 col. R:10-

13, "Our need to speedup compilation ... (on) a parallel system, ... led us to investigate parallel compilation"), **the method comprising the steps of:**

**(a) providing a list of directories and a list of processors** (p. 93 col. R:24-p.

94 col. L:13, "The number of processes on the function level, called *function masters* is equal to the total number of functions in the program(i.e. directories containing parts of the code to be compiled) ... The section masters attempt to distribute the function masters to different workstations (i.e. processors, from a list of processors")>,

**(b) assigning a directory to a next available processor in an ordered manner to allow the next available processor to compile at least one file within the directory** (p. 94 col. L:56-58, "we adopt a simple first-come-first served strategy that distributes the tasks over the available processors"),

**(c) repeating step (b) to ensure that the maximum number of directories can be compiled** (p. 94 col. L:56-58, "we adopt a simple first-come-first served strategy that distributes the tasks over the available processors", this step essentially performs repeatedly, as processors finish their tasks and, again, become available).

As per claim 2, the rejection of claim 1 is incorporated and further, Gross discloses that **the assigning step (b) further includes the step of (b1) obtaining a directory in which all dependencies have been satisfied** (p. 94 col. R:34-36, "Each (group of files, i.e. directory) ... can be compiled separately after the object files on the dependency list have been generated (i.e. the system only works, as intended, if

processors are assigned directories of files to compile, in which all dependencies have been satisfied").

As per claim 3, the rejection of claim 1 is incorporated and further, Gross discloses that **the assigning step (b) further includes the step of (b1), updating the list of processors and the list of directories based upon the assignment of the directory** (p. 94 col. L:56-58, "we adopt a simple first-come-first served strategy that distributes the tasks (i.e. code in directories, to be compiles) over the available processors", and to implement this strategy, the system is aware of the current state of the processors, the state of their current tasks as well as the tasks yet to be accomplished).

As per claim 4, the rejection of claim 1 is incorporated and further, Gross discloses that **the assigning step (b) further includes the step of (b1) providing a directory update mechanism for assigning the directories in the ordered manner** (p. 94 col. L:56-58, "we adopt a simple first-come-first served strategy that distributes the tasks over the available processors").

As per claim 5, the rejection of claim 4 is incorporated and further, Gross discloses that providing an update mechanism step (b1) further comprises the steps of:

**(b11) providing an array of dependency changes** (p. 94 col. R:32-34, “The input to parallel make ... explicitly specifies dependencies (and dependency changes) between modules”),

**(b12) merging the dependency changes array with a master array of changes** (p. 94 col. R:32-34, “The input to parallel make ... explicitly specifies dependencies (and dependency changes) between modules”).

As per claim 6, the rejection of claim 5 is incorporated and further, Gross discloses that the merging step (b12) comprises the steps of:

**(b121) obtaining a dependency change from the dependency changes array** (p. 94 col. R:32-34, “The input to parallel make ... explicitly specifies dependencies (and dependency changes) between modules”),

**(b122) determining whether the dependency change is in a directory in the master array** (p. 94 col. R:32-34, “The input to parallel make (is a make file that)... explicitly specifies dependencies (and dependency changes) between modules”, and the changed make file is be compared with the original make file),

**(b123) updating the directory in the master array of the dependency change in a directory of the master array** (p. 94 col. R:32-34, “The input to parallel make (is a make file that) ... explicitly specifies dependencies (and dependency changes) between modules”, and the master/original make file is updated),

**(b124) adding dependency change to the master array in a new directory if the dependency change is not in a directory of the master array** (p. 94 col. R:32-34,

“The input to parallel make (is a make file that)... explicitly specifies dependencies (and dependency changes) between modules”, and the updated make file is used to specify updated dependencies),

**(b125) determining if there is another dependency change in the dependency changes array after either step (b123) or step (b124)** (p. 94 col. R:32-34, “The input to parallel make ... explicitly specifies dependencies (and dependency changes) between modules”),

**(b126) repeating steps (b121)-(b125) until all dependency changes have been obtained from the dependency change array** (p. 94 col. R:32-34, “The input to parallel make ... explicitly specifies dependencies (and dependency changes) between modules”, the process is repeated in order to have all the dependencies specified).

As per claims 7-12, this is a system version of the claimed method discussed above, in claims 1-6, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see Gross's new compiler (p. 91, col. L:3-8).

As per claims 13-18, this is a computer readable medium/product version of the claimed method discussed above, in claims 1-6, wherein all claimed limitations have also been addressed and/or cited as set forth above. Additionally, such a product is deemed to be inherent in the Gross system, otherwise, it would be inoperative.

***Conclusion***

4. After October 25, 2004, the examiner can be reached at new telephone number (571) 272-3697, and the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (703)305-8889. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703)305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF



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SUPERVISORY PATENT EXAMINER